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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC,

Plaintiff,

v.

TIM MCMANUS,

Defendant.

JURY TRIAL DEMANDED

Case No. 2:17-cv-01321-WJM-MF

**NOTICE OF MOTION FOR
PLAINTIFF'S MOTION TO DISMISS
DEFENDANT'S, TIM MCMANUS,
COUNTERCLAIMS**

**PLAINTIFF'S, MALIBU MEDIA LLC, NOTICE OF MOTION FOR MOTION TO
DISMISS DEFENDANT'S COUNTERCLAIMS**

Plaintiff, Malibu Media, LLC ("Plaintiff"), by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 12 and Local Rules 7.1, and 78.1, hereby files its Notice of Motion for its Motion to Dismiss the two counterclaims filed by Defendant, Tim McManus ("Defendant"), as more fully appears in the accompanying Motion and Incorporated Memorandum of Law, and states as follows:

1. A brief in support of this motion and proposed order are filed contemporaneously herewith.

2. Pursuant to Local Rules 7.1 and 78.1, this motion is made returnable before Honorable Judge William J. Martini on motion day February 20, 2018.

3. Plaintiff **does not request oral argument.**

WHEREFORE, Plaintiff, Malibu Media, LLC, respectfully requests entry of an order:

- (A) Dismissing Defendant's First Counterclaim for Declaratory Judgment of Non-Infringement;
- (B) Dismissing Defendant's Second Counterclaim for Abuse of Process; and,
- (C) Granting Plaintiff such other and further relief as this Court deems just and proper.

Dated: January 26, 2018

Respectfully submitted,

By: /s/ Patrick J. Cerillo
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CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all parties through this system.

By: /s/ Patrick J. Cerillo